

Message Text

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PAGE 01 MEXICO 07299 270131Z

64

ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 JUSE-00 DRC-01 RSC-01

/023 W

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R 270024Z SEP 73

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 8181

UNCLAS MEXICO 7299

E.O. 11652: N/A

TAGS: PFOR, CPRX, MX

SUBJECT: EXTRADITION

REF: STATE 189420

1. ON SEPTEMBER 26 EMBOFF DISCUSSED REFTEL WITH DIRGEN OF FOREIGN SECRETARIAT'S LEGAL DIVISION, OSCAR GALEANO AND HIS PRINCIPAL DEPUTY ON EXTRADITION MATTERS, RICARDO ARBACA. THEIR INITIAL REACTION WAS POSITIVE. HOWEVER, AFTER SOME RESEARCH, ARBACA CALLED BACK TO STATE THAT THE CRIME IN QUESTION (VEHICULAR MANSLAUGHTER) IS NOT COMPREHENDED IN BILATERAL EXTRADITION TREATY.

2. IN SUPPORT OF HIS DECISION, ARBACA CITED SECTION 1111 CHAPTER 51, TITLE 18 USC WHICH STATES, INTER ALIA, "MURDER IS THE UNLAWFUL KILLING OF A HUMAN BEING WITH MALICE AFORE-THOUGHT". SINCE SECTION 1112 OF TITLE 18 USC DEFINES "MANSLAUGHTER" AS NOT INVOLVING MALICE, THERE SEEMS TO BE A VERY CLEAR LEGAL DISTINCTION WITHIN US LAW. SINCE THE EXTRADITION TREATY SPEAKS OF MURDER (AND SEVERAL VARIANTS THEREOF), BUT IS SILENT ON THE QUESTION OF MANSLAUGHTER, THE MEXICANS' DECISIONS SEEMS TO BE SOUND.

3. COMMENT: INCIDENTAL TO THIS INFORMAL RULING, DEPARTMENT MAY WISH TO CONSIDER WHETHER OR NOT USG SHOULD INITIATE AMENDMENT ACTION TO INCORPORATE MANSLAUGHTER AS CRIME UNDER UNCLASSIFIED

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PAGE 02 MEXICO 07299 270131Z

TREATY.

MCBRIDE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Draft Date: 27 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
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Handling Restrictions: n/a
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ISecure: 1
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Review Exemptions: n/a
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Review Markings:

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30 JUN 2005

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